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1ST SESSION

H. R. 1967

To amend the Solid Waste Disposal Act to provide for a scrap tire management and recovery program.

IN THE HOUSE OF REPRESENTATIVES

MAY 4, 1993

Mr. SLATTERY (for himself, Mr. McMILLAN, and Mr. SAWYER) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Solid Waste Disposal Act to provide for a scrap tire management and recovery program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Tire Recycling and
5 Recovery Act of 1991”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The United States generates approximately
9 250 million waste tires each year, which is slightly
10 less than 1 tire per person each year.

1 (2) The United States dumps or stores between
2 2 and 3 billion waste tires in piles across the coun-
3 try.

4 (3) These tire piles can pose a significant threat
5 to human health and the environment. Improper
6 management of these piles can create breeding habi-
7 tats for mosquitoes and rodents or can result in fires
8 that release toxic fumes.

9 (4) Scrap tires are a valuable resource that can
10 be reused, recycled, or recovered in a wide variety of
11 ways that are beneficial to the environment and to
12 society, including producing rubberized asphalt road
13 and highway pavement; manufacturing reclaimed or
14 ground rubber materials into products such as floor
15 mats, carpet backing, molded goods, or railroad
16 crossings; retreading tires; using whole tires to build
17 artificial reefs or breakwaters to enhance fish habi-
18 tats; using tires for defense and other government
19 needs; and recovering energy from tires.

20 (5) Environmentally sound and responsible
21 techniques must be employed to ensure proper dis-
22 posal of scrap tires that are not recycled, reused, or
23 recovered.

24 (6) Due to the lack of developed markets, tire
25 piles have not been significantly reduced despite the

1 fact that environmentally sound and responsible
2 techniques exist currently. Marketplace incentives
3 must be provided to stimulate the elimination of
4 these tire piles through recycling, reuse, and recovery,
5 especially for situations in which no immediate
6 recycling, reuse, or recovery markets exist.

7 (7) States have begun to recognize and address
8 the problems surrounding scrap tire disposal. More
9 than thirty-five States have established waste tire re-
10 cycling programs and disposal requirements.

11 (8) Given the variability in size and scope of the
12 scrap tire problem on a region-to-region basis, indi-
13 vidual States or groups of States promise to be the
14 best laboratories for innovative, diverse, and effective
15 solutions to the problem.

16 (9) While recognizing that many States have
17 worked to address the scrap tire problem, a Federal-
18 State partnership is necessary to ensure that current
19 and future scrap tires are recovered, reused, recycled,
20 or disposed of in a manner which is most beneficial
21 to the environment and to society. Such a program
22 will enhance current State efforts by providing
23 essential Federal guidance and financial assistance
24 for the elimination of scrap tire piles. Such a pro-

1 gram will also assist States in promoting markets
2 for disposal of future scrap tires.

3 (10) The Administrator of the Environmental
4 Protection Agency requires additional statutory au-
5 thority to establish appropriate State management
6 plans and provide incentives for recycling, recovery,
7 and reuse of scrap tires. Furthermore, additional
8 Federal financial assistance is needed to provide eco-
9 nomic incentives to encourage reduction of scrap tire
10 piles in an environmentally responsible manner and
11 to develop markets for the disposal of future scrap
12 tires.

13 **SEC. 3. SCRAP TIRE MANAGEMENT AND RECOVERY PRO-**
14 **GRAM.**

15 (a) ESTABLISHMENT OF PROGRAM.—The Solid
16 Waste Disposal Act (42 U.S.C. 6901 et seq.) is amended
17 by adding at the end the following new subtitle:

18 **“Subtitle K—Scrap Tire Manage-**
19 **ment and Recovery Program**

20 **“SEC. 12001. OBJECTIVES.**

21 “The objectives of this subtitle are to provide tem-
22 porary Federal incentives to eliminate current scrap tire
23 piles and future scrap tires through productive and envi-
24 ronmentally sound methods, including recycling, recovery,
25 and reuse. Further, consistent with the overall objectives

1 of this Act, all future scrap tires are to be managed by
2 the States through programs that will manage and mini-
3 mize the buildup of scrap tire piles in the future. Such
4 objectives are to be accomplished through Federally ap-
5 proved programs developed by individual States or groups
6 of States.

7 **“SEC. 12002. STATE TIRE PLANS: SUBMISSION AND AP-**
8 **PROVAL.**

9 “(a) SUBMISSION.—Not later than 18 months after
10 the date of the enactment of the Tire Recycling and Re-
11 covery Act of 1991, a State shall submit to the Adminis-
12 trator a scrap tire management plan (hereinafter referred
13 to as a ‘State tire plan’) that meets the requirements of
14 this subtitle.

15 “(b) APPROVAL.—Not later than 60 days after the
16 Administrator receives a State tire plan submitted under
17 subsection (a), the Administrator shall approve or dis-
18 approve the plan. The Administrator shall approve the
19 State tire plan if the Administrator determines that—

20 “(1) the plan meets the requirements of section
21 12003; and

22 “(2) the plan contains provisions for the revi-
23 sion of such plan, after notice and public hearing, in
24 any case in which the Administrator determines
25 that—

1 “(A) revised regulations concerning mini-
2 mum requirements have been promulgated and
3 the State’s plan is not in compliance with such
4 revised regulations;

5 “(B) information has become available that
6 demonstrates the inadequacy of the plan to ef-
7 fectuate the purposes of this subtitle; or

8 “(C) revision is otherwise necessary.

9 “(c) IMPLEMENTATION.—Each State with an ap-
10 proved State tire plan shall implement the plan in accord-
11 ance with the schedule contained in the plan.

12 “(d) GUIDELINES AND MODEL PLAN.—(1) Not later
13 than 3 months after the date of the enactment of the Tire
14 Recycling and Recovery Act of 1991, the Administrator
15 shall convene a forum of Federal, State, and local authori-
16 ties and other experts in the field of scrap tire manage-
17 ment to discuss the minimum Federal requirements of this
18 subtitle, the development and implementation of State tire
19 plans, and the guidelines and model plan to be developed
20 by the Administrator to assist the States in complying
21 with this subtitle.

22 “(2) Not later than 12 months after the date of the
23 enactment of the Tire Recycling and Recovery Act of
24 1991, and after consultation with the Federal, State, and
25 local authorities and experts convened pursuant to para-

1 graph (1), the Administrator shall issue and distribute to
2 States guidelines and a model plan to assist States in the
3 development and implementation of State tire plans.

4 “(3) In issuing guidelines under this subsection, the
5 Administrator shall consider the following:

6 “(A) The varying regional, geologic, hydrologic,
7 climatic, and other circumstances under which dif-
8 ferent scrap tire management practices are appro-
9 priate.

10 “(B) The characteristics and conditions of ex-
11 isting scrap tire piles and collection sites, including
12 an estimation of present and future capacity.

13 “(C) Population density, distribution, and pro-
14 jected growth in areas near existing piles.

15 “(D) The type and availability of transportation
16 from existing piles.

17 “(E) The location and availability of industrial
18 boilers, kilns, or electric generation facilities that
19 may be able to use scrap tires for energy recovery.

20 “(F) The types of recycling, reuse, and recovery
21 facilities that are most appropriate and viable to the
22 particular area.

23 “(G) Potentially available new and additional
24 markets for recovered scrap tires.

1 “(e) REVIEW OF PLANS.—The Administrator shall
2 review approved State tire plans and may conduct an audit
3 of any such plan from time to time. If the Administrator
4 determines that revisions or corrections are necessary to
5 bring a plan into compliance with the minimum require-
6 ments of section 12003, the Administrator shall, after no-
7 tice and opportunity for public hearing, withdraw approval
8 of the plan. Such withdrawal of approval shall cease to
9 be effective upon the Administrator’s determination that
10 such plan complies with minimum Federal requirements.

11 “(f) EPA AUTHORITY TO PROMULGATE AND IMPLE-
12 MENT TIRE PLANS.—In the case of any State that has
13 not submitted a State tire plan by the deadline in sub-
14 section (a), the Administrator shall promulgate a State
15 plan for the State and implement such plan within the
16 State.

17 “(g) RELATIONSHIP TO EXISTING ACTIVITIES.—
18 Nothing in this subtitle shall be construed to prevent or
19 affect any current activities respecting scrap tire manage-
20 ment (including the elimination of scrap tire piles) unless
21 such activities are inconsistent with a State tire plan ap-
22 proved by the Administrator under this section.

1 **“SEC. 12003. STATE TIRE PLANS: MINIMUM REQUIREMENTS.**

2 “In order to be approved under section 12002, each
3 State tire plan shall comply with the following require-
4 ments:

5 “(1) REDUCTION AND ELIMINATION OF EXIST-
6 ING SCRAP TIRE PILES.—The plan must address the
7 reduction and elimination of existing scrap tire piles
8 that contain more than 3,000 scrap tires and must
9 meet the following minimum requirements:

10 “(A) It shall identify existing scrap tire
11 collection sites as determined by the survey con-
12 ducted by the State as required under section
13 12004, estimate present and future capacity of
14 each site and the number of tires at each site
15 on January 1, 1993, and assess the health and
16 environmental status of each site.

17 “(B) It shall provide for a system under
18 which tires in existing scrap tire piles can be
19 separated, identified, or distinguished from new
20 scrap tires.

21 “(C) It shall provide for the elimination of
22 existing scrap tire piles through recycling, re-
23 covery, or reuse of scrap tires, and if there are
24 no immediate recycling, recovery, or reuse mar-
25 kets for the scrap tires, then it shall provide for
26 environmentally sound disposal of such piles.

1 “(D) It shall have as its goal the elimi-
2 nation, by January 1, 2005, of all existing
3 scrap tire piles within the State, as determined
4 by the survey conducted by the State as re-
5 quired under section 12004.

6 “(E) It shall identify the responsibilities of
7 State, local, and regional authorities in the im-
8 plementation of the plan, the proposed distribu-
9 tion of Federal funds to the authorities respon-
10 sible for development and implementation of the
11 plan, means for coordinating regional planning
12 under the plan, and means for considering the
13 interests and views of adjacent States.

14 “(F) It shall prohibit public authorities
15 from implementing scrap tire management pro-
16 grams that are inconsistent with Federal re-
17 quirements and the State tire plan.

18 “(G) It shall provide a detailed breakdown
19 of estimated costs of implementing the plan,
20 and shall specify a method for cost recovery
21 from, or cost sharing with, existing owners of
22 piles.

23 “(H) It shall encourage the environ-
24 mentally sound recycling of scrap tires through
25 all available means, including using scrap tires

1 in the production of paving materials, the con-
2 struction of roadbeds, tire retreading, or energy
3 recovery; using reclaimed or ground rubber ma-
4 terials as floor mats, carpet backing, molded
5 goods, or railroad crossings; and using whole
6 tires to build artificial reefs or breakwaters to
7 enhance fish habitats.

8 “(2) CURRENT AND FUTURE DISPOSAL OF
9 SCRAP TIRES.—The plan must address current and
10 future disposal and recycling, recovery, and reuse of
11 scrap tires and must meet the following minimum
12 requirements:

13 “(A) It shall prohibit the permanent dis-
14 posal of new scrap in landfills, monocells, or
15 monofills, except that disposal of shredded tire
16 material in landfills, monocells, or monofills
17 shall be allowed in the absence of a higher use
18 for such tires.

19 “(B) It shall require that scrap tire collec-
20 tion sites at which no fee is charged for the ac-
21 ceptance of scrap tires be available in the State
22 in a number of sufficient to accommodate the
23 amount of scrap tires expected to be generated
24 in the State annually.

1 “(C) It shall prohibit the operation of a
2 collection site except in compliance with regula-
3 tions promulgated by the Administrator under
4 section 12005(a)(2) with respect to conditions
5 applicable to scrap tire piles.

6 “(D) It shall prohibit storage of more than
7 3,000 scrap tires for more than 60 days at col-
8 lection sites, unless such storage is necessary
9 for implementation of a specific project for fur-
10 ther reuse, recovery, or recycling and only con-
11 tinues for a reasonable period of time.

12 “(E) It shall have as its goal the reuse, re-
13 cycling, or recovery of 100 percent of the new
14 scrap tires in the State.

15 “(F) It shall prohibit new scrap tires from
16 being commingled with existing scrap tire piles
17 (as identified in the survey conducted pursuant
18 to section 12004).

19 “(G) It shall identify the responsibilities of
20 State, local, and regional authorities in the im-
21 plementation of the State tire plan, and means
22 for coordinating regional planning and consider-
23 ation of the views and interests of adjacent
24 States under the State tire plan.

1 “(H) It shall prohibit public authorities
2 from implementing scrap tire management pro-
3 grams that are inconsistent with Federal re-
4 quirements and the State tire plan.

5 “(I) It shall encourage the environmentally
6 sound recycling of scrap tires through all avail-
7 able means, including using scrap tires in the
8 production of paving materials, the construction
9 of roadbeds, tire retreading, or energy recovery;
10 using reclaimed or ground rubber materials as
11 floor mats, carpet backing, molded goods, or
12 railroad crossings; and using whole tires to
13 build artificial reefs or breakwaters to enhance
14 fish habitats.

15 “(3) PERMITS.—The plan must provide for a
16 regulatory scheme under which States are required
17 to issue permits to owners or operators of scrap tire
18 collection sites and persons who process, collect,
19 store (as described in paragraph (2)(D)), transport,
20 dispose of, recycle, recover, or reuse scrap tires. The
21 plan shall require that, in order for a person to be
22 issued a permit, the person must meet all applicable
23 provisions contained in the State plan and in section
24 12005. The permitting requirements shall not apply
25 to any of the persons exempted by the Administrator

1 from the requirements of section 12005, pursuant to
2 subsection (b) of that section.

3 **“SEC. 12004. FINANCIAL ASSISTANCE.**

4 “(a) IN GENERAL.—The Administrator may provide
5 financial assistance to States in accordance with this sec-
6 tion for purposes of conducting surveys of current scrap
7 tire piles, developing State tire plans under sections 12002
8 and 12003, and implementing those tire plans.

9 “(b) GUIDELINES.—Not later than 12 months after
10 the date of the enactment of the Tire Recycling and Re-
11 covery Act of 1991, the Administrator shall issue guide-
12 lines, after consultation with appropriate Federal, State,
13 and local authorities, setting forth an equitable formula
14 for distribution of financial assistance under this section.
15 The formula shall provide a preference to applicants that
16 have shown substantial progress in eliminating scrap tire
17 piles, and should be based on some or all of the following
18 factors:

19 “(1) Number of tires generated.

20 “(2) Population.

21 “(3) Magnitude and severity of the scrap tire
22 problem.

23 “(c) APPLICATION.—(1) To qualify for financial as-
24 sistance under this section, a State shall submit to the
25 Administrator an application at such time, in such man-

1 ner, and containing such information as the Administrator
2 prescribes in the guidelines under paragraph (1). The ap-
3 plication must be submitted not later than 18 months
4 after the date of the enactment of the Tire Recycling and
5 Recovery Act of 1991, and shall contain, at a minimum,
6 the following:

7 “(A) A proposed schedule for conducting sur-
8 veys and submitting a State tire plan to the Admin-
9 istrator.

10 “(B) A list of each scrap tire pile in the State
11 that the State estimates contains more than 3,000
12 scrap tires. The list shall include the location and
13 ownership of each such pile.

14 “(C) A plan for conducting surveys within 6
15 months after receipt of financial assistance of the lo-
16 cation, size, and characteristics of all scrap tire piles
17 existing in the State on January 1, 1993, that con-
18 tain more than 3,000 scrap tires. The surveys shall
19 determine the location, size characteristics, together
20 with a description of any health or environmental
21 hazards existing at each site.

22 “(D) An identification of the State agency re-
23 sponsible for developing the State tire plan.

24 “(E) An estimate of the cost of conducting the
25 surveys and developing the State tire plan and the

1 amount of Federal financial assistance being sought
2 for such purposes.

3 “(F) A description and copies of all scrap tire
4 pile inventories previously conducted by the State.

5 “(G) A description of all scrap tire disposal, re-
6 covery, reuse, and recycling programs and activities
7 that the State has conducted, together with an esti-
8 mation of the costs and benefits of such programs
9 or activities.

10 “(2) In the guidelines issued under this subsection
11 the Administrator shall allow States to apply for financial
12 assistance individually or in conjunction with neighboring
13 States.

14 “(d) APPROVAL OF APPLICATION.—Not later than 60
15 days after the Administrator receives an application for
16 financial assistance from a State under this section, the
17 Administrator shall approve or disapprove the application.
18 The Administrator shall approve the application if the Ad-
19 ministrator determines that the application meets the re-
20 quirements of subsection (c).

21 “(e) ASSISTANCE PENDING APPROVAL OF APPLICA-
22 TION.—At the discretion of the Administrator, financial
23 assistance may be provided for ongoing State activities
24 conducted during the period beginning on the date of ap-
25 plication for financial assistance under this section and

1 ending on the date of approval of a State tire plan, if such
2 activities are consistent with the subsequently approved
3 State tire plan.

4 “(f) AUDIT.—For purposes of assessing the accuracy
5 of a survey conducted by a State using assistance provided
6 under this section, the Administrator may audit the survey
7 if the Administrator considers an audit necessary.

8 “(g) OVERSIGHT.—The Administrator may oversee
9 the use of financial assistance provided under this section
10 for purposes of ensuring that the assistance is used for
11 the purposes for which it was intended.

12 **“SEC. 12005. PROHIBITIONS.**

13 “(a) PROHIBITIONS.—The following prohibitions
14 shall take effect 24 months after the date of the enactment
15 of the Tire Recycling and Recovery Act of 1991:

16 “(1) DISPOSAL.—It shall be unlawful to dispose
17 of scrap tires in a landfill, monocell, or monofill, ex-
18 cept that disposal of shredded tire material in land-
19 fills, monocell, or monofills shall be allowed in the
20 absence of a higher use of such tires.

21 “(2) OPERATION OF COLLECTION SITES.—(A)
22 It shall be unlawful to operate a collection site ex-
23 cept in compliance with regulations promulgated by
24 the Administrator under this paragraph with respect

1 to conditions applicable to scrap tire piles (including
2 piles containing shredded tire material).

3 “(B) The regulations shall address, at a mini-
4 mum, the following:

5 “(i) The maximum number of feet that the
6 height, base, and length of scrap tire piles may
7 be.

8 “(ii) The distance that must be maintained
9 between scrap tire piles.

10 “(iii) The distance that must be main-
11 tained between scrap tire piles and the perim-
12 eter of the collection site property and any
13 building.

14 “(iv) The manner in which scrap tires
15 must be maintained to minimize mosquito
16 breeding.

17 “(v) The accessibility of scrap tire piles to
18 firefighting equipment, and the maintenance of
19 roads approaching such piles.

20 “(vi) The size of scrap tire piles that shall
21 be surrounded by a berm sufficient to contain
22 any liquid that may be discharged as the result
23 of fire or firefighting efforts.

24 “(vii) The size of scrap tire piles that shall
25 be completely enclosed behind fencing.

1 “(viii) Such other matters as the Adminis-
2 trator determines necessary to protect human
3 health and the environment, including fire pre-
4 vention requirements.

5 “(C) The regulations also shall require an
6 owner or operator of a collection site containing
7 more than 3,000 scrap tires to prepare and maintain
8 an emergency plan to respond to any fire or other
9 event which may release pollutants or contaminants
10 from such site.

11 “(3) STORAGE AT COLLECTION SITES.—It shall
12 be unlawful to store more than 3,000 scrap tires for
13 more than 60 days at collection sites, unless such
14 storage is necessary for implementation of a specific
15 project for further reuse, recovery, or recycling and
16 only continues for a reasonable period of time.

17 “(4) COMMINGLING.—It shall be unlawful for
18 any person to commingle new scrap tires with exist-
19 ing scrap tire piles.

20 “(5) PERMITS.—Beginning 12 months after the
21 effective date of any State tire plan approved or pro-
22 mulgated by the Administrator under this subtitle, it
23 shall be unlawful for any person to—

24 “(A) transfer control over any scrap tires
25 for transportation to a collection site to any

1 person other than a person operating under a
2 permit as a tire transporter;

3 “(B) operate or maintain a scrap tire pile
4 or collection site, or deliver to or receive scrap
5 tires for storage or disposal at a collection site,
6 unless—

7 “(i) the person is in compliance with
8 a permit for the collection site issued by a
9 State with an approval tire plan; or

10 “(ii) the person has applied for a per-
11 mit for the collection site from a State
12 with an approved tire plan, the application
13 has not yet been approved, and the person
14 is in compliance with the expected require-
15 ments of the permit.

16 “(b) EXEMPTIONS.—(1) The Administrator may by
17 regulation exempt any of the following persons from any
18 requirement of this section, if such exemption is not incon-
19 sistent with the goals and requirements of this subtitle and
20 no threat of an adverse effect on human health or the envi-
21 ronment will result from such exemption:

22 “(A) A tire retailer that stores fewer than
23 3,000 scrap tires at any collection site where new
24 tires are sold or installed.

1 “(B) A tire retreader that stores fewer than
2 3,000 scrap tires or a quantity of scrap tires equal
3 to the number to be retreaded over a 30-day period,
4 whichever is greater, at any collection site where
5 tires are retreaded.

6 “(C) A business that removes tires from vehi-
7 cles and stores fewer than 3,000 scrap tires at any
8 collection site where such removals occur.

9 “(D) A solid scrap disposal facility that stores
10 fewer than 3,000 scrap tires for future processing or
11 disposal which has already received a permit under
12 a State solid scrap program imposing conditions and
13 requirements to protect human health and the envi-
14 ronment comparable to those imposed by this sub-
15 title.

16 “(E) Any person who stores or uses scrap tires
17 for a marine or agricultural purpose if such scrap
18 tires are used for such purpose within 6 months
19 after the date the tire is removed from use, unless
20 storage for such purpose is necessary for longer than
21 6 months and the storage continues only for a rea-
22 sonable period of time.

23 “(F) A transporter of new and used tires to the
24 manufacturer for warranty adjustment.

1 “(G) A tire manufacturing finishing center or
2 tire adjustment center that stores fewer than 4,000
3 tires on the business premises.

4 “(2) The Administrator is authorized to impose alter-
5 native requirements, including requirements for fire pre-
6 vention and disease control, and may include such require-
7 ments in the minimum requirements under section 12003
8 as a condition for any exemption or partial exemption
9 under this subsection

10 **“SEC. 12006. ENFORCEMENT.**

11 “(a) COMPLIANCE ORDERS.—(1) Whenever on the
12 basis of any information the Administrator determines
13 that any person has violated, or is in violation of, any re-
14 quirement or prohibition in effect under this subtitle (in-
15 cluding any requirement or prohibition in effect under reg-
16 ulations under this subtitle), the Administrator may issue
17 an order (A) assessing a civil penalty for any past or cur-
18 rent violation, (B) requiring compliance immediately or
19 within a specified time period, or (C) both, or the Adminis-
20 trator may commence a civil action in the United States
21 district court in the district in which the violation occurred
22 for appropriate relief, including a temporary or permanent
23 injunction. Any order issued pursuant to this subsection
24 shall state with reasonable specificity the nature of the vio-
25 lation.

1 “(2) Any penalty assessed in an order under this sub-
2 section shall not exceed \$25,000 per day of noncompliance
3 for each violation of a requirement or prohibition in effect
4 under this subtitle. In assessing such a penalty, the Ad-
5 ministrator shall take into account the seriousness of the
6 violation, any good faith efforts to comply with applicable
7 requirements, and the ability of the violator to pay.

8 “(3) Any order issued under this subsection shall be-
9 come final unless, not later than 30 days after issuance
10 of the order, the persons named in the order request a
11 public hearing. Upon such request, the Administrator shall
12 promptly conduct a public hearing. In connection with any
13 proceeding under this subsection, the Administrator may
14 issue subpoenas for the production of relevant papers,
15 books, and documents, and may promulgate rules for dis-
16 covery procedures.

17 “(4) In the case of a final order under this subsection
18 requiring compliance with any requirement of or regula-
19 tion under this subtitle, if a violator, without sufficient
20 cause, fails to comply within the time specified in an order,
21 the Administrator may assess a civil penalty of not more
22 than \$25,000 for each day of continued noncompliance
23 with the order.

24 “(b) CRIMINAL PENALTIES.—Any person who—

1 “(1) knowingly violates the requirements of or
2 regulations under this subtitle; or

3 “(2) knowingly omits material information or
4 makes any false material statement or representa-
5 tion in any record, report, or other document filed,
6 maintained, or used for purposes of compliance with
7 this subtitle or regulations under this subtitle
8 shall, upon conviction, be subject to a fine of not more
9 than \$50,000 for each day of violation, or imprisonment
10 not to exceed two years, or both. If the conviction is for
11 a violation committed after a first conviction of such per-
12 son under this subsection, the maximum punishment shall
13 be doubled with respect to both the fine and imprison-
14 ment.

15 “(c) CIVIL PENALTIES.—Any person who violates
16 any requirement of or regulation under this subtitle shall
17 be liable to the United States for a civil penalty in an
18 amount not to exceed \$25,000 for each such violation.
19 Each day of violation shall, for purposes of this section,
20 constitute a separate violation.

21 **“SEC. 12007. FEDERAL GOVERNMENT REQUIREMENTS.**

22 “(a) PROCUREMENT GUIDELINES.—Not later than
23 24 months after the date of the enactment of the Tire
24 Recycling and Recovery Act of 1991, the Administrator,
25 in consultation with the head of each appropriate depart-

1 ment, agency, and instrumentality of the Federal Govern-
2 ment, shall prepare guidelines under section 6002(e) for
3 procuring items that make use of rubber from scrap or
4 used tires. Each year the Administrator shall submit a re-
5 port to Congress regarding the progress of Federal pro-
6 curement of items that make use of such rubber.

7 “(b) REMOVAL OF SCRAP TIRES ON PUBLIC
8 LANDS.—(1) Not later than 12 months after the date of
9 the enactment of the Tire Recycling and Recovery Act of
10 1991, the Administrator, together with the heads of all
11 appropriate departments, agencies, and instrumentalities
12 of the Federal Government, shall determine the extent of
13 scrap tire piles on property under Federal jurisdiction or
14 control.

15 “(2) Not later than 24 months after such date of en-
16 actment, the Administrator, together with the heads of all
17 appropriate departments, agencies, and instrumentalities
18 of the Federal Government, shall develop and implement
19 a plan for abatement of those scrap tire piles in a manner
20 which is consistent with the objectives of this subtitle.

21 “(3) Not later than 48 months after such date of en-
22 actment, the Administrator shall submit to Congress a re-
23 port on the progress made in abating scrap tire piles on
24 property under Federal jurisdiction or control.

1 **“SEC. 12008. DEFINITIONS.**

2 “For purposes of this subtitle:

3 “(1) The term ‘scrap tire’ means a tire that is
4 no longer usable for its original purpose because of
5 wear, damage, or defect.

6 “(2) The term ‘new scrap tires’ means all scrap
7 tires removed from vehicles, or otherwise generated,
8 in a State after the effective date of the State tire
9 plan approved or promulgated by the Administrator
10 for that State under this subtitle.

11 “(3) The term ‘scrap tire piles’ means scrap
12 tires which are stored outdoors at collection sites.

13 “(4) The term ‘collection site’ means a location
14 in which scrap tires may be brought by a scrap tire
15 transporter for the purpose of storage or disposal.

16 “(5) The term ‘energy recovery’, with respect to
17 scrap tires, means a process in which energy is re-
18 covered from controlled combustion of whole or
19 shredded scrap tires.

20 “(6) The term ‘environmentally sound’ means
21 the disposition or application of a scrap tire in a
22 manner that will result in no threat of an adverse
23 effect on human health or the environment.

24 “(7) The term ‘monocell’ means a section of a
25 landfill in which only tires are placed.

1 “(8) The term ‘monofills’ means a landfill used
2 exclusively for the storage of shredded, chipped, or
3 otherwise mechanically processed tires in the
4 ground.

5 “(9) The term ‘rubberized asphalt’ includes as-
6 phalt paving mixes which incorporate rubber recov-
7 ered from scrap tires either in the asphalt cement or
8 in the aggregate used to make asphalt concrete, and
9 also includes surface treatments, interlayers, and
10 crack sealants.

11 “(10) The term ‘shredded tire material’ means
12 tire material resulting from tire shredding that pro-
13 duces pieces 4 square inches or less in size that do
14 not hold water when stored in piles.

15 **“SEC. 12009. REPORT.**

16 “Not later than 5 years after the date of the enact-
17 ment of the Tire Recycling and Recovery Act of 1991, the
18 Administrator shall submit to Congress a report on the
19 implementation of this subtitle and the effectiveness of
20 achieving the objectives of this subtitle. The report shall
21 include such recommendations as the Administrator con-
22 siders appropriate.”.

23 (b) TABLE OF CONTENTS AMENDMENT.—The table
24 of contents for the Solid Waste Disposal Act (contained

1 in section 1001 of such Act) is amended by adding at the
 2 end the following:

“SUBTITLE K—SCRAP TIRE MANAGEMENT AND RECOVERY PROGRAM

- “Sec. 12001. Objectives.
- “Sec. 12002. State tire plans: submission and approval.
- “Sec. 12003. State tire plans: minimum requirements.
- “Sec. 12004. Financial assistance.
- “Sec. 12005. Prohibitions.
- “Sec. 12006. Enforcement.
- “Sec. 12007. Federal government requirements.
- “Sec. 12008. Definitions.
- “Sec. 12009. Report.”.

3 (c) CONFORMING AMENDMENTS.—(1) Section 2004
 4 of the Solid Waste Disposal Act (42 U.S.C. 6914) is here-
 5 by repealed.

6 (2) The table of contents in section 1001 of such Act
 7 is amended by striking out the item relating to section
 8 2004.



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